

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>TIMOTHY WILLIAMS</b>	)	<b>CIVIL ACTION NO. 2:07cv742-MEF</b>
	)	
<b>Petitioner,</b>	)	<b>(CR. NO. CR-05-216-F)</b>
<b>v.</b>	)	
	)	
<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Respondent.</b>		

**AFFIDAVIT**

**STATE OF ALABAMA**                     )  
  )  
**COUNTY OF MONTGOMERY**        )

I, KEVIN L. BUTLER, state the following:

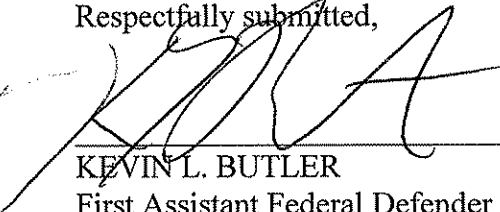
1. I am an attorney admitted to practice law in Arizona, the Eastern District of California, the District of Nevada, the Middle District of Alabama, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court. I have been employed as an Assistant Federal Public Defender for over 15 years and in the Middle District of Alabama since November 19, 1998.
2. In order to prepare this affidavit, I have reviewed: (a) the Federal Public Defender's office file in United States v. Timothy Williams, CR-05-216-F; (b) Mr. Williams' Habeas Petition filed pursuant to 28 U.S.C. § 2255 and (c) conferred with lead counsel Jennifer A. Hart. Details not provided by my review of the case file and pleadings are based upon my best recollection.
3. My review of Mr. Williams' pleadings indicates that he asserts the court lacked jurisdiction

over his prosecution. Therefore, the judgment and sentence imposed in his case should be vacated.

4. With all do respect to Mr. Williams, he completely misstates the law governing federal jurisdiction. Subsequently, he raises no claim.
5. As attorneys with the Federal Defenders Office are not required to raise erroneous legal and factual arguments, Mr. Williams claim of ineffective assistance of counsel is without merit.

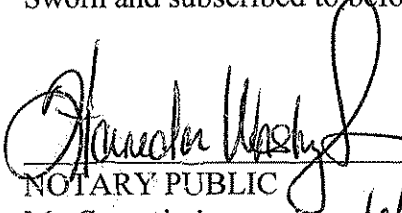
Dated this 10<sup>th</sup> day of September 2007.

Respectfully submitted,



\_\_\_\_\_  
KEVIN L. BUTLER  
First Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [kevin\\_butler@fd.org](mailto:kevin_butler@fd.org)  
AZ Bar Code: 014138

Sworn and subscribed to before me this 10<sup>th</sup> day of September, 2007.



\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: 6/15/2008

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>TIMOTHY WILLIAMS</b>	)	<b>CIVIL ACTION NO. 2:07cv742-MEF</b>
	)	<b>(CR. NO. CR-05-216-F)</b>
<b>Petitioner,</b>	)	
<b>v.</b>	)	
	)	
<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Respondent.</b>		

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler  
KEVIN L. BUTLER  
First Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [kevin\\_butler@fd.org](mailto:kevin_butler@fd.org)  
AZ Bar Code: 014138